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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,381	03/04/2002	Rick Rowe	RROWE.0006P	1717
32856 7590 10/31/2007 WEIDE & MILLER, LTD. 7251 W. LAKE MEAD BLVD. SUITE 530 LAS VEGAS, NV 89128			EXAMINER LASTRA, DANIEL	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/091,381

Applicant(s)

ROWE, RICK

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/10/2007.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 have been examined. Application 10/091,381 (METHOD AND APPARATUS FOR FACILITATING MONETARY AND COMMERCIAL TRANSACTIONS AND FOR PROVIDING CONSUMER REWARD PROGRAMS) has a filing date 03/04/2002 and is a continuation in part of 09497788 (02/03/2000)

Response to Amendment

2. In response to Non Final Rejection filed 03/23/2007, the Applicant filed an Amendment on 08/06/2007, which amended claims 1, 9 and 12.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 8 is rejected under 35 U.S.C. 102(e) as being anticipated by Fowler (US 2002/0026348).

Claim 8, Fowler teaches:

A method of assigning a financial transaction to a financial transaction category for use by a consumer in a rewards program, comprising:

(a) determining a financial transaction type (see paragraphs 23, 24 and 30);

(b) determining an appropriate financial transaction category to which said financial transaction is to be assigned (see paragraphs 23 and 24);

(c) generating total transaction amount data for each financial transaction category using said information regarding assigned financial transactions (see paragraph 30; col 15, claim 10 "purchase value total"); and

(d) calculating a reward based on aggregated financial transaction for said category (see paragraphs 23-24 and 30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chancey (US 5,842,185) in view of Cohen (US 6,422,462).

Claims 1 and 9, Chancey teaches:

A method of facilitating financial and reward transactions in a financial system for use by a consumer, comprising:

(a) providing a plurality of financial transaction categories (see figure 4);

(b) *accepting input from said consumer regarding one or more financial transactions to be assigned to said plurality of financial transaction categories (see figure 4);*

Chancey fails to teach

(c) providing a plurality of reward programs and (d) *accepting input from said consumer regarding one or more rewards programs to be associated with each financial transaction category*. However, Cohen teaches a system that allows a user to associate a reward program (*i.e.* "frequent flier mile programs, membership dollar programs") with a transaction category (*i.e.* "airline charges") (see col 11, lines 35-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chancey's users would be able to associate transaction categories (*i.e.* travel) to different reward programs, as taught by Cohen in order that said users are able to customize their spending habits categories with available rewards programs and therefore, maximize the earned awards.

Claim 2, Chancey teaches:

wherein said financial transactions are financial debit transactions or credit transactions resulting from the use of a debit card, a credit card, a smart card, or other financial instrument (see col 2, lines 20-25).

Claim 3, Chancey teaches:

wherein said financial transactions are associated with an account assigned to said consumer (see col 1, lines 40-60).

Claim 4, Chancey fails to teach:

including the step of generating reward information for financial transactions assigned to financial transaction categories and associating said reward information with said account. However, the same argument made in claim 1 with respect to this missing limitation is also made in claim 4.

Claim 10, Chancey fails to teach:

means for a consumer to associate a reward program to a transaction category. However, Cohen teaches allowing a consumer to associate a reward program to a transaction category. Therefore, the same argument made in claim 9 regarding this missing limitation is also made in claim 10.

Claim 11, Chancey teaches:

means for defining a financial account having financial debit and credit transactions grouped into one of said financial transaction categories (see col 2, lines 20-25).

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chancey (US 5,842,185) in view of Cohen (US 6,422,462) and further in view of Fowler (US 2002/0026348).

Claim 5, Chancey fails to teach:

including the step of accessing said account from a personal computer connected to the Internet. However, Fowler teaches that it is old and well known in the promotion art to access accounts via the Internet (see paragraph 43). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chancey and Cohen would allow users to access account information via the Internet, as it is old and well known to do so, as taught by Fowler.

Claim 6, Chancey fails to teach:

the step of assigning reward program criteria to said plurality of reward programs and generating reward data from financial transactions associated with said financial transaction categories. However, Fowler teaches assigning reward criteria to a plurality of rewards programs (see paragraph 24). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chancey and Cohen would allow users to assign reward criteria to reward programs, as taught by Fowler in order to provide users with the rules of the games for earning rewards.

Claim 7, Chancey fails to teach:

the step of selecting a reward based upon said reward data in accordance with said reward program criteria and updating the reward data associated with said financial transaction categories. However, Fowler teaches selecting rewards based upon reward criteria and financial transaction categories (see paragraph 30). Therefore, the same rejection applied to claim 6 is also applied to claim 7.

6. Claims 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler (US 2002/0026348) in view of Chancey (US 5,842,185).

Claim 12, Fowler teaches:

A method of providing a financial account for use by a consumer engaging in financial transactions associated with said financial account comprising:

(a) defining available financial transaction types for the financial transactions engaged in by said consumer (see paragraphs 23-24 and 30),

(b) associating each financial transaction type to one of a plurality of financial transaction categories (see paragraphs 23, 24 and 30);

(d) selecting one of a plurality of reward programs and associating it at least one reward program to each transaction category (see paragraphs 23 and 24).

Fowler fails to teach *c) permitting said consumer to override the association of particular financial transactions with particular financial transactions categories*. However, Chancey teaches a system that allows users to override the association of particular financial transactions with particular financial transactions categories (see figure 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Fowler would allow users to override the association of financial transaction with transaction categories, as it is old and well known to do so, as taught by Chancey.

Claim 13, Fowler teaches:

the step of generating reward points based upon financial transactions assigned to each financial transaction category based upon said associating of said financial transaction types with said categories (see paragraphs 23-24), and transferring reward points from one or more reward programs associated with a first financial transaction category to one or more reward programs associated with a second financial transaction category (see paragraph 35).

Claim 14, Fowler teaches:

the step of redeeming an earned reward by a consumer associated with one of a plurality of reward programs associated with one of a plurality of transaction categories within said account (see paragraphs 23 and 24).

Claim 15, Fowler teaches:

wherein rewards are earned through the accumulation of points generated from financial transactions (see paragraph 30).

Claim 16, Fowler teaches:

wherein rewards are determined based upon a plurality of defined tiers, whereby each tier is reached once a certain level of consumer spending as evidenced by financial transactions has been achieved (see paragraph 30).

Claim 17, Fowler teaches:

wherein rewards are determined based upon a percentage of a consumer spending amount and provided to said consumer a cashback reward (see paragraph 5).

Claim 18, Fowler teaches:

wherein rewards are determined based upon the amount of consumer spending and provided to the consumer as merchandise (see paragraph 30).

Response to Arguments

7. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argues with respect to claim 8 that Fowler is silent about generating any totals of transaction amount data or performing any calculations based upon amount data and calculating a reward for a category. The Examiner answers that Fowler teaches in col 15, claim 10 the calculation

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of purchase value total and award accumulated for a transaction category (see paragraph 23 "categorizable purchase"). Therefore, contrary to Applicant's argument, Fowler is not silent about calculating a transaction total amount and awards in a category.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra
October 23, 2007